

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :  
 :  
 THE EL FARO INCIDENT OFF THE: NTSB Accident No.  
 COAST OF THE BAHAMAS ON : DCA16MM001  
 OCTOBER 1, 2015 :  
 :  
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INTERVIEW OF: MELISSA CLARK

Monday,  
 October 12, 2015

Jacksonville, Florida

BEFORE:

MIKE KUCHARSKI, NTSB  
 CARRIE BELL, NTSB  
 [REDACTED], U.S. Coast Guard  
 LEE PETERSON, TOTE Services  
 MELISSA SERRIDGE, TOTE Services  
 AL SHEPHERD, ABS  
 KEVIN STITH, TOTE Services

PRESENT ON BEHALF OF THE INTERVIEWEE:

GIL FELTEL, ESQ., Tanner Bishop

This transcript was produced from audio  
 provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 MS. BELL: Okay. It is October 12th, 2015.  
3 We're in the Marriott in Jacksonville, Florida. We are  
4 interviewing Melissa Clark for the El Faro incident.  
5 We're going to go around the room.

6 I'm Carrie Bell, NTSB Human Performance  
7 Chair.

8 MR. SHEPHERD: Hi, my name is Al Shepherd.  
9 I'm with the American Bureau of Shipping particularly  
10 dealing with management systems certification.

11 MR. [REDACTED] My name is [REDACTED] [REDACTED] with  
12 the U.S. Coast Guard. I'm with the Human Factors  
13 Group. Thanks very much for coming today.

14 MR. STITH: Kevin Stith with TOTE Services,  
15 part of the Operations Group.

16 MS. SERRIDGE: Melissa Serridge, HR Manager  
17 for TOTE Services. I'm part of the Human Factors  
18 Group.

19 MR. PETERSON: Lee Peterson, Director of  
20 Marine Services with TOTE Services and the party  
21 representative.

22 MS. CLARK: Melissa Clark, Crewing Manager  
23 for TOTE Services. And I acknowledge that you'll be  
24 recording this interview.

25 MS. BELL: Thank you.

1 MR. FELTEL: Gilbert Feltel, Tanner Bishop  
2 law firm here as Ms. Clark's representative.

3 MR. KUCHARSKI: Good morning again, Melissa.  
4 Mike Kucharski, NTSB. I'm the Group Chairman of  
5 Operations.

6 MS. BELL: Okay. So, we'll just start with  
7 the basic background. Can you just give us an  
8 explanation of your qualifications that are related to  
9 your position here at TOTE?

10 MS. CLARK: My qualifications related to my  
11 position have been on-the-job training.

12 MS. BELL: So, what are your -- what was  
13 your role as a crewing manager?

14 MS. CLARK: Yes, I oversee the Marine  
15 Personnel Department responsible for hiring the crew  
16 members aboard our vessels.

17 MS. BELL: Okay. And what is the process  
18 for hiring individuals?

19 MS. CLARK: We hire crew members through the  
20 AMO and SIU unions. Ensure that their credentials are  
21 valid, that they're physically fit and qualified to be  
22 aboard our vessels.

23 MS. BELL: And how long have you been  
24 working at your present position?

25 MS. CLARK: In my present position as

1       crewing manager since May of 2005.

2                   MS. BELL: And did you work another position  
3 before that?

4                   MS. CLARK: Yes. Prior to that, I worked in  
5 operations and accounting. I started in March of 2000.

6                   MS. BELL: So, can you just list your  
7 duties? You said your role is to look at their  
8 qualifications when you get their applications.

9                   Is there a process that you go through to  
10 actually hire them?

11                   MS. CLARK: Yes, it's slightly different for  
12 licensed and unlicensed.

13                   MS. BELL: If you could just give us the  
14 difference between the two.

15                   MS. CLARK: Sure. The licensed officers are  
16 hired through the American Maritimes Officers Union.  
17 Specifically on the El Faro, we have the ability to  
18 hire union members directly for the senior positions.

19                   The junior positions are at the discretion  
20 of the AMO dispatchers.

21                   MS. BELL: So, how does that work exactly?

22                   MS. CLARK: We would place the junior  
23 positions open on the union board. We may be given  
24 input or request a specific person, but that's at their  
25 discretion.

1 MS. BELL: They tell you who you're going to  
2 get, basically.

3 MS. CLARK: Right.

4 MS. BELL: And those are for the unlicensed?

5 MS. CLARK: Those are for the junior  
6 licensed positions.

7 MS. BELL: Junior licensed positions.

8 MR. KUCHARSKI: May I?

9 MS. BELL: Yes.

10 MR. KUCHARSKI: Mike Kucharski, NTSB.  
11 Melissa, could you tell us what the senior and the --  
12 are they also called permanent personnel, or --

13 MS. CLARK: Yes. The senior positions are  
14 master, chief mate, chief engineer and first engineer.

15 MR. SHEPHERD: What was that last one,  
16 please?

17 MS. CLARK: First engineer.

18 MR. SHEPHERD: Okay. Al Shepherd, ABS.

19 MR. KUCHARSKI: And so, the other junior  
20 positions would be --

21 MS. CLARK: Seconds and thirds. The second  
22 mate, third mate, the second assistant engineer and  
23 third assistant engineer.

24 MR. KUCHARSKI: And so, those all are rotary  
25 type, you get them from --

1 MS. CLARK: No, they are permanent  
2 positions. But when the job is open, we are required  
3 to place it on the board with the union. And, again,  
4 we have input.

5 MR. KUCHARSKI: So, they're permanent  
6 positions. So, are they all considered permanent --

7 MS. CLARK: Yes.

8 MR. KUCHARSKI: -- from master down through  
9 third mate, and from chief down to third engineer?

10 MS. CLARK: Yes.

11 MR. KUCHARSKI: And what you said, so, if  
12 it's a master position that comes open, you then go to  
13 the union and ask them for someone, or do you suggest  
14 someone? How does that process work?

15 MS. CLARK: There are various ways that we  
16 can hire a master. We can promote from within. We can  
17 go to the union -- and I maintain resume files for  
18 people who are applying.

19 MS. BELL: So, when you say "promote from  
20 within," you mean from the junior officers?

21 MS. CLARK: Yes.

22 MS. BELL: Okay.

23 MS. CLARK: We can promote a chief mate or  
24 another mate who held a masters license.

25 MS. BELL: So, do you make that decision?

1 MS. CLARK: For the master and chief  
2 engineer it's usually a group decision.

3 MS. BELL: Group meaning?

4 MS. CLARK: The director of HR and Labor  
5 Relations, and some of the operations folks.

6 MS. BELL: And who is your direct  
7 supervisor?

8 MS. CLARK: Mik Kondracki.

9 MS. BELL: So, is there a procedure for  
10 either -- for both hiring and for promoting, what is  
11 the procedure for that?

12 MS. CLARK: Typically when a position  
13 becomes available, I will gather a few candidates for  
14 the group to review and then we select.

15 MS. BELL: Okay. And do you have a list of  
16 criteria that they have to meet, experience or --

17 MS. CLARK: Depends on the vessel.

18 MS. BELL: Okay. So, it's not the same for  
19 every position.

20 MS. CLARK: No.

21 MS. BELL: Okay. Now, do you have like a  
22 checklist of things that people -- aside from what  
23 comes from the union, do you have a checklist of things  
24 that TOTE has to meet for people to be hired in?

25 MS. CLARK: I have a list of credentials

1 that we require.

2 MS. BELL: Can you give me an example?

3 MS. CLARK: Merchant mariner credential,  
4 current OCCW, TWIC, passport, drug-free certification.

5 MS. BELL: And do you get all of that from  
6 the union or --

7 MS. CLARK: For the licensed officers we get  
8 them directly from the mariner.

9 MS. BELL: Okay. Now, do you require -- I  
10 don't know. Are you responsible for training records,  
11 keeping training records?

12 MS. CLARK: Yes.

13 MS. BELL: So, do you have a list of  
14 training requirements that they have to meet that are  
15 separate from their license? Anything that TOTE  
16 requires?

17 MS. CLARK: Again, it varies by vessel. Are  
18 you asking specifically for the El Faro?

19 MS. BELL: I was asking in general, but we  
20 can get to the specifics as well. In general, can you  
21 just describe what that procedure looks like or what  
22 the --

23 MS. CLARK: If there are additional training  
24 courses required for a vessel, it's typically captured  
25 in the contract.

1 MS. BELL: So, those are vessel-specific.

2 MS. CLARK: Yes.

3 MS. BELL: Okay. And they're based on the  
4 contract with whatever vessel that they're working  
5 with?

6 MS. CLARK: The vessel owner, yeah.

7 MS. BELL: Yeah. So, other than the vessel-  
8 specific, do you -- is there training above and beyond  
9 what is required by STCW or anything beyond that that  
10 you guys require?

11 MS. CLARK: It's not company required.

12 MS. BELL: Okay. You don't have any  
13 specific (inaudible) training aside from what the  
14 vessels specifically require.

15 MS. CLARK: Yes.

16 MS. BELL: I'm sorry. I'm just trying to  
17 understand the --

18 MS. CLARK: No, I understand. We can impose  
19 -- we have the ability to impose additional training,  
20 for example, advance bridge resource management, if we  
21 think that that particular ship requires it. But there  
22 is -- we have nothing in addition to what's required.

23 MS. BELL: So, for something like advanced  
24 bridge resource management, how does -- do you contract  
25 out or do you have them go somewhere else for that

1 training?

2 MS. CLARK: They would go to the AMO  
3 training center.

4 MS. BELL: And is that something you  
5 typically ask for them to do?

6 MS. CLARK: No, it would be during -- it  
7 would vary. It's not required.

8 MS. BELL: Okay. For the El Faro, is there  
9 any vessel-specific training?

10 MS. CLARK: No.

11 MS. BELL: None?

12 MS. CLARK: Not above and beyond what's  
13 required by the Coast Guard.

14 MS. BELL: Okay.

15 MR. KUCHARSKI: Hi, Melissa. Mike  
16 Kucharski, NTSB. The training that you send them  
17 through AMO, is it mostly at STAR Center down in Dania?

18 MS. CLARK: Yes.

19 MR. KUCHARSKI: Do you ever use any other --  
20 or send them to any other training for anything else  
21 outside of AMO's --

22 MS. CLARK: For the El Faro, no.

23 MS. BELL: Okay. I'm going to go around the  
24 room here in a second. I just want to go through a few  
25 more questions.

1                   So, are you also involved in performance  
2 evaluations?

3                   MS. CLARK: My department reviews the  
4 evaluations as they come in through the vessels. The  
5 master and chief engineer's evaluations are completed  
6 by the Engineering and Operations Group.

7                   MS. BELL: And who is that? Can you give me  
8 the name of who is the head of that group?

9                   MS. CLARK: It would be for the El Faro, Jim  
10 Fisker-Andersen for the Engineering Group. And Mik  
11 Kondracki and John Lawrence for the masters'  
12 evaluations.

13                   MS. BELL: So, for the junior officers and -  
14 -

15                   MS. CLARK: They're done by the senior.

16                   MS. BELL: And how often are those done?

17                   MS. CLARK: Typically they're done at the  
18 end of each tour.

19                   MS. BELL: And when do you get those  
20 evaluations? After they've been completed, what's the  
21 process for you to get those?

22                   MS. CLARK: They come in either via US mail  
23 or email.

24                   MS. BELL: And is there a length of time  
25 between when they do those and when you receive them?

1 MS. CLARK: It depends on when the vessel  
2 sends them. There's not a required length of time for  
3 them to have them in.

4 MS. BELL: And they are -- is it a quarterly  
5 -- oh, no. You just said every time they finish.

6 MS. CLARK: Umhm.

7 MS. BELL: Is that a 10-week -- is it a 10-  
8 week tour? Are they out 10 weeks?

9 MS. CLARK: No. The licensed officers do  
10 70-day rotations. The unlicensed would complete a tour  
11 based on the job as it would call and they're union  
12 seniority. So, it could be varying lengths of time.

13 MS. BELL: What is it required to work on  
14 average?

15 MS. CLARK: 60 to 120 days. Sometimes more,  
16 sometimes less.

17 MS. BELL: Okay. Thank you.

18 Do you have a question?

19 MR. KUCHARSKI: Yes. Mike Kucharski, NTSB.  
20 Are evaluations given to the particular crew member?

21 MS. CLARK: Yes.

22 MR. KUCHARSKI: So, the master then sees his  
23 evaluation from the company or gets a copy of it?

24 MS. CLARK: For the junior officers?

25 MR. KUCHARSKI: No, the master. I think you

1 mentioned that he's evaluated -- let me backup.

2 MS. CLARK: Yes.

3 MR. KUCHARSKI: Who actually does the  
4 evaluation for the master?

5 MS. CLARK: That would be Jim Fisker-  
6 Andersen and Mik Kondracki or John Lawrence. And, yes,  
7 they would receive a copy of it.

8 MR. KUCHARSKI: Okay. So, it's Jim Fisker-  
9 Andersen does just the evaluation for chief engineers?

10 MS. CLARK: No, he has input on the master  
11 as well.

12 MR. KUCHARSKI: So, the same three input on  
13 the master and the chief engineer.

14 MS. CLARK: Yes.

15 MR. KUCHARSKI: Thank you.

16 MS. BELL: So, we were reviewing a couple of  
17 the personnel files and for the captain I couldn't find  
18 a recent performance evaluation.

19 So, I don't know if those are held in any  
20 other file aside from their personnel file. Can you  
21 tell me how that process works or if it might be  
22 located elsewhere?

23 MS. CLARK: It's possible that it didn't  
24 make it into his personnel file and it could be located  
25 somewhere in my office. And I'd be happy to get that

1 for you or look for it for you.

2 MS. BELL: Okay. I'm just curious if some  
3 of the -- if the master's goes somewhere else.

4 MS. CLARK: No.

5 MS. BELL: There was one from the past --

6 MS. CLARK: It would go in his personnel  
7 file.

8 MS. BELL: Okay. And are they also  
9 evaluated at the end of their tour the same as everyone  
10 else?

11 MS. CLARK: They're evaluated annually.

12 MS. BELL: Annually.

13 MS. CLARK: Master and chief engineer.

14 MS. BELL: Do you also keep records of  
15 safety drills and any kind of drills that happen on the  
16 ship?

17 MS. CLARK: No. That would be held in the  
18 Operations Department.

19 MS. BELL: Are you informed of those types  
20 of drills?

21 MS. CLARK: I am not.

22 MS. BELL: Okay. Are you aware of any  
23 training that they have to take to do those drills, you  
24 know, so if they -- like train the trainer-type things,  
25 do they have to train others to do these safety drills

1 or --

2 MS. CLARK: I'm not involved in any of the  
3 shipboard training.

4 MS. BELL: Okay. That's all under --

5 MS. CLARK: Operations.

6 MS. BELL: Operations. I'm going to go  
7 around the room. I've got a few more questions, but  
8 I'm going to let everyone else go.

9 MR. SHEPHERD: Okay. Hi, Melissa. I know  
10 this is very difficult. I'll try to make it very  
11 brief. I just want a little bit of clarification,  
12 please, on a point.

13 And I think you've answered this and I don't  
14 want to harp on it. So, if I'm not clear, just say  
15 you've already answered it and I'll move on. Okay?

16 MS. CLARK: Okay.

17 MR. SHEPHERD: It has to do with the -- I  
18 wasn't entirely clear on the -- dealing with training,  
19 is there -- does TOTE have like a training matrix, the  
20 training that's required for the seafarers onboard each  
21 ship?

22 You mentioned about the credentials, right?  
23 For ratings they have to have the STCW endorsements.  
24 Officers, obviously they have to have licenses plus  
25 STCW endorsements. You've covered that.

1                   But with regard to training, sometimes a  
2 company might have something like a drug and alcohol  
3 training that is required periodically or employee  
4 relation training or other -- any other type of  
5 training that you have onboard that may require -- and  
6 this is not a comparison. I'm not trying to say --  
7 I'll just give you examples.

8                   Some companies maybe have electrical safety  
9 training or any kind of -- there's a range of  
10 (inaudible) training.

11                   So, does TOTE have anything along those  
12 lines that your department would keep track of?

13                   MR. PETERSON: Can I -- this is Lee  
14 Peterson. Can I interject?

15                   MR. SHEPHERD: Sure.

16                   MR. PETERSON: Those training records are  
17 kept local with the operations people and actually  
18 we've got them right now and we've got to put our  
19 little CZI on them and they'll be coming over to you.

20                   MS. BELL: Great. Thank you.

21                   MR. PETERSON: The reason being that they  
22 are forms that we're using. So, but, yeah, there are  
23 training requirements on the ship. They -- actually,  
24 Kevin could probably speak better to it than anybody  
25 here.

1                   They go through them on a rotating basis as  
2 far as what they --

3                   MR. SHEPHERD: Okay. So, it's not tracked  
4 by your department.

5                   MS. CLARK: I'm not involved in any of the  
6 onboard training or drills.

7                   MR. SHEPHERD: No problem. Thank you very  
8 much. And I don't think I said this is Al Shepherd  
9 with ABS. Thank you, Melissa. And thank you, Lee.

10                   MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.  
11 Just a point of clarification, Lee. Put our little  
12 CZI? What does that mean?

13                   MR. PETERSON: The confidential statement on  
14 it.

15                   MR. [REDACTED] I just want to backtrack on  
16 some of the things that you mentioned, Melissa. One of  
17 them you said that you had -- you gather candidates and  
18 you had different criteria for different vessels.

19                   Could you explain what you mean by different  
20 criteria for different vessels?

21                   MS. CLARK: Some vessels may require dynamic  
22 positioning certification. Some vessels will require  
23 O&G training. I believe specifically for El Faro we  
24 would hope to have somebody who had prior container  
25 ship experience, length of time sailing it as a master.

1 All of those things are considered.

2 MR. [REDACTED] And then we talked about the  
3 senior position evaluations. Could you -- we've seen  
4 the junior officers and we've seen the crew positions,  
5 but we haven't seen the senior positions.

6 Could you describe those evaluations, the  
7 forms and contents of the forms?

8 MS. CLARK: They are very different from the  
9 other evaluations. I don't know that I'd be able to  
10 give you a good description. I could certainly provide  
11 you with a copy.

12 MR. [REDACTED] Okay. And what are the  
13 differences they might have between the junior officers  
14 and other rated or unlicensed personnel? Do you know  
15 if the senior officers' positions describe evaluations  
16 regarding maintaining schedules?

17 MS. CLARK: No, they do not.

18 MR. [REDACTED] How about delivery of the  
19 cargo without damage?

20 MS. CLARK: No, sir.

21 MR. [REDACTED] So, looking at TOTE Services  
22 can you kind of give us just an overview of the  
23 philosophy of the hiring of individuals from -- what's  
24 TOTE's philosophy?

25 MS. CLARK: We strive to put the qualified,

1 best mariners on our vessels.

2 MR. [REDACTED] So, do you know if the company  
3 ever conducts interviews for the senior officer  
4 positions?

5 MS. CLARK: We do.

6 MR. [REDACTED] And then can you talk -- walk  
7 us through the typical interview? Say, for example, I  
8 was a candidate from your candidate pool and you  
9 checked all my credentials and all the other documents  
10 you have and so I'm coming into the office.

11 Could you describe that interview?

12 MS. CLARK: The interview would consist of  
13 engineering, operations, labor relations  
14 representatives from the company.

15 They would ask things like describe your  
16 most difficult situation that you have encountered,  
17 what are your, you know, three weaknesses, areas of  
18 weakness.

19 If the person being interviewed shared an  
20 incident, we would ask them how did they handle it.  
21 Everybody goes around the room and asks questions.

22 MR. [REDACTED] For consistency or  
23 standardization, is there some kind of form?

24 MS. CLARK: No, sir.

25 MR. [REDACTED] And then how do you document

1 the results with the interview?

2 MS. CLARK: It's more of an informal  
3 process.

4 MR. [REDACTED] So, would you keep the notes,  
5 the interview notes?

6 MS. CLARK: Yes.

7 MR. KUCHARSKI: May I ask a follow-on  
8 question on that?

9 MR. [REDACTED] Go ahead.

10 MR. KUCHARSKI: Mike Kucharski, NTSB. Is  
11 this process just for the senior personnel, or is it  
12 for everyone that you bring into the interview process  
13 you just described, the process you just described?

14 MS. CLARK: That would just be for the  
15 senior personnel. I would typically do just a very  
16 quick phone interview with the junior officers.

17 MR. KUCHARSKI: So, back to the process,  
18 say, for a new master. Would you also typically do  
19 just a phone interview, or would --

20 MS. CLARK: It depends. Sometimes it can be  
21 done by phone or in person.

22 MR. KUCHARSKI: And then before that person  
23 was offered a masters position whether it's internal or  
24 external, would they still run that process that you  
25 were describing?

1 MS. CLARK: I don't understand the question.

2 MR. KUCHARSKI: Okay. Let me go back. You  
3 said that you promote also internally. Okay. So,  
4 let's say you have a chief mate. That's a senior  
5 position, correct? Or a master or a chief engineer  
6 that you were going to promote from within.

7 Would you still bring them in and have all  
8 those questions asked of them that you just --

9 MS. CLARK: No, not necessarily.

10 MR. KUCHARSKI: Thank you.

11 MR. SHEPHERD: I have a follow-up. Were you  
12 done?

13 MR. [REDACTED] No, I'm not finished, but go  
14 ahead.

15 MR. SHEPHERD: Oh, no, no, please. I'll  
16 wait until you finish.

17 MS. BELL: We'll go back around.

18 MR. [REDACTED] So, have you ever had occasion  
19 to in the course of your crew management position, to  
20 determine that an officer or personnel were not fit for  
21 duty on the ship from a -- not a medical position, but  
22 from a competency position?

23 MS. CLARK: Yes.

24 MR. [REDACTED] Okay. With regard to the El  
25 Yunque or the El Faro, can you recall if anybody was --

1 officer-wise were deemed incompetent -- or incompetent  
2 for their position?

3 MS. CLARK: Prior to hiring them?

4 MR. [REDACTED] No, no, while they're  
5 employed.

6 MS. CLARK: Are you asking specifically for  
7 officers?

8 MR. [REDACTED] Yeah.

9 MS. CLARK: I can't recall, but I'd be happy  
10 to check my records for you.

11 MR. PETERSON: This is Lee Peterson. Just a  
12 follow-on to that question. Melissa, maybe you could  
13 relate the -- talk about the captains that were let go  
14 on the El Morro.

15 MS. CLARK: He asked El Yunque and El Faro.

16 MR. PETERSON: Well, those are the three  
17 ships we've had --

18 MR. [REDACTED] We're aware of that from  
19 previous interviews. I think we understand that.  
20 We're talking about the --

21 MR. PETERSON: Are you talking specific just  
22 to this one ship?

23 MR. [REDACTED] My question was specifically  
24 to those. So, if you want to expand that including the  
25 El Morro, please.

1 MS. CLARK: In Approximately June of 2013 we  
2 let go two masters, two chief mates and a boatswain --  
3 I'm sorry, they are -- that's an unlicensed position.

4 MR. SHEPHERD: This is Al Shepherd. Did you  
5 say May or June?

6 MS. CLARK: Two masters and --

7 MR. SHEPHERD: June?

8 MS. CLARK: -- two chief mates.

9 MR. SHEPHERD: Yes.

10 MS. CLARK: June, yes. I'm sorry.

11 MR. SHEPHERD: Thank you.

12 MR. SPEAKER: So, what were the reasons that  
13 you -- they were terminated?

14 MS. CLARK: Yes, they were.

15 MR. SPEAKER: What were the reasons?

16 MS. CLARK: There was a loss of confidence  
17 in them surrounding an incident where two unlicensed  
18 crew members were arrested for trafficking cocaine.

19 MR. SPEAKER: And since you used the term  
20 "loss of confidence," is that sort of formalized as a  
21 criteria for letting people go within your company?

22 In other words, is -- somewhere can I find  
23 what constitutes loss of confidence?

24 MS. CLARK: I would say that this incident  
25 was a rare situation that was new to me. There is no

1 specific list of what constitutes a loss of confidence.  
2 It's based upon the incident itself.

3 MR. SPEAKER: Is there -- sort of a follow  
4 on that, is there some kind of documentation somewhere  
5 that would list like disciplinary factors or something  
6 like remedial factors?

7 Say someone is not performing properly. Is  
8 there somewhere I could go as a ship officer or member  
9 of the company and say, okay, these are -- here's the  
10 disciplinary scheme and here's the remedial scheme to  
11 bring somebody up, to bring their performance level up?

12 I'll give you an example. We were  
13 discussing propulsion casualty where someone made a  
14 human error regarding the ship's engine and the  
15 propulsion system.

16 So, how would that be documented? And then  
17 what -- how do you decide within the company how your,  
18 you know, because you value the employees, that you're  
19 going to bring them up to performance.

20 MS. CLARK: If it were a master or a chief  
21 engineer, I would not be involved in their performance  
22 evaluation. That would be done by my supervisors.

23 MR. KUCHARSKI: I have a follow-on just on  
24 that question. This is Mike Kucharski, NTSB.

25 Is there some procedure in the (inaudible)

1 safety management system or something similar to that  
2 which says, okay, if a crew member does something  
3 wrong, if there is a process for like a letter of  
4 warning or for talking to the crew member and then --  
5 are there any steps similar to that?

6 MS. CLARK: I can't recall specifically how  
7 the -- how the process reads in the SMS. I'd have to  
8 check on that.

9 For the unlicensed positions or unlicensed -  
10 - it is spelled out in their contract exactly the  
11 reasons they can be terminated. It's not so clear for  
12 the licensed in their contract.

13 MR. KUCHARSKI: I guess termination was the  
14 final outcome, which is the process of counseling a  
15 person, letter of warning, things like that, you know,  
16 just the basic overall process.

17 MS. CLARK: Again, I'm not sure exactly how  
18 it's spelled out in the -- in our system.

19 MR. KUCHARSKI: Thank you.

20 MS. BELL: This is Carrie Bell. Are those  
21 contracts for the officers all the same? For example,  
22 if I would want to get a copy of that just to see what  
23 it looks like and what the terms are, would that be the  
24 same for all of the senior officers or licensed --

25 MS. CLARK: On the El Yunque, El Faro and El

1 Morro?

2 MS. BELL: Yes.

3 MS. CLARK: Yes.

4 MS. BELL: They're all the same?

5 MS. CLARK: Yes.

6 MS. BELL: Okay.

7 MR. STITH: Kevin Stith with TOTE Services.

8 Melissa, is the AMO and the union involved especially  
9 with the top four individuals when it comes to  
10 discharging them or like in that previous case  
11 relieving them for basically cause?

12 MS. CLARK: Okay.

13 MR. STITH: Okay. So, are they -- is there  
14 usually an appeal by the AMO on those -- in those  
15 incidents or do they -- does the AMO come back and  
16 basically represent the individual?

17 MS. CLARK: Yes.

18 MR. STITH: Okay. That's all.

19 MR. SPEAKER: Just a couple to finish up.

20 Do you know how TOTE -- I know you said it was  
21 operations that handles training. But just from your  
22 position since you're involved with personnel, do you  
23 know how the TOTE management terms the quality of  
24 shipboard training?

25 MS. CLARK: I'm just not involved with the

1 shipboard drills and training whatsoever.

2 MR. SPEAKER: Have you ever made a ship ride  
3 on one of your vessels to see the actual conditions  
4 that occur onboard?

5 MS. CLARK: I rode aboard the El Morro from  
6 the north Florida shipyard to Blount Island.

7 MR. SPEAKER: And are you involved at all  
8 with the speak-up line either, you know, where the  
9 company members can call and either leave a voice  
10 message or send an email?

11 Are you involved with that process at all?

12 MS. CLARK: For the designated person?

13 MR. SPEAKER: No, there's some kind of  
14 speak-up line which is like where people can talk -- it  
15 may be related to the designated person ashore, but  
16 there's some kind of line where people can voice  
17 complaints or concerns.

18 MS. CLARK: I am not involved in that.

19 MR. SPEAKER: Thank you very much.

20 MS. CLARK: You're welcome.

21 MS. BELL: [REDACTED] do you have any more  
22 questions?

23 MR. [REDACTED] No, I'm good. Thanks.

24 MR. SPEAKER: I have no more questions right  
25 now.

1 MS. BELL: Melissa.

2 MS. SERRIDGE: None, thank you.

3 MR. KUCHARSKI: Mike Kucharski, NTSB. Do  
4 you recollect who was the Master on the El Faro? Could  
5 you tell us who it is this last trip?

6 MS. CLARK: Michael Davidson (phonetic).

7 MR. KUCHARSKI: Okay. And the Mate, the  
8 Chief Mate?

9 MS. CLARK: Steven Schultz (phonetic).

10 MR. KUCHARSKI: Second Mate?

11 MS. CLARK: Danielle Randolph (phonetic).

12 MR. KUCHARSKI: Okay. And the Third Mate?

13 MS. CLARK: Jeremy Riehn.

14 MR. KUCHARSKI: Jeremy Reed?

15 MS. CLARK: Riehn. It's R-I-E-H-N.

16 MR. KUCHARSKI: Okay. The Master or Captain  
17 Davidson, were you here when he became Master on that  
18 vessel?

19 MS. CLARK: Yes.

20 MR. KUCHARSKI: Did he come up -- was he on  
21 another ship or could you tell us a little bit about --

22 MS. CLARK: I was asked to gather candidates  
23 for the position, so for the El Morro, in light of the  
24 termination of the top four deck officers.

25 Captain Davidson was actually sailing Third

1 Mate aboard one of our other vessels, the Pacific  
2 Trucker.

3 Captain Davidson had sailed Master with us  
4 on another vessel prior to that and I included him in  
5 the candidate list for this position.

6 MR. KUCHARSKI: And what other vessel was he  
7 Master on?

8 MS. CLARK: It was an ARC vessel. I don't  
9 remember the specific vessel.

10 MR. KUCHARSKI: And ARC being American Roll-  
11 on Roll-Off Carriers?

12 MS. CLARK: Correct.

13 MR. KUCHARSKI: So, how much time did he  
14 have with the company, basically?

15 MS. CLARK: The first time he was with us,  
16 or the second?

17 MR. KUCHARSKI: From the beginning to the  
18 end, yeah.

19 MS. CLARK: I think it was approximately  
20 five years with ARC.

21 MR. KUCHARSKI: So, you interviewed -- he  
22 was interviewed for the Masters job on the El Morro  
23 first or was a candidate for that -- let me go back. I  
24 asked how was he chosen as Master for this vessel, the  
25 El Faro, and you mentioned that he was Third Mate

1 earlier on the Pacific Trucker. Then his name went to  
2 the candidate pool for the El Morro.

3 MS. CLARK: He flew directly from the  
4 Pacific Tracker in Honolulu to our office in New  
5 Jersey to meet with some of my senior leadership prior  
6 to accepting the position.

7 MR. KUCHARSKI: And that was on -- the  
8 position was on -- for the El Morro.

9 MS. CLARK: Correct.

10 MR. KUCHARSKI: And so, that was in 2013,  
11 was it? Somewhere around there?

12 MS. CLARK: Yes.

13 MR. KUCHARSKI: And so, he was First master  
14 on El MORro.

15 MS. CLARK: Yes.

16 MR. KUCHARSKI: And then he came to El Faro  
17 next?

18 MS. CLARK: Yes.

19 MR. KUCHARSKI: So, when approximately did  
20 he come to El Faro?

21 MS. CLARK: I don't recall off the top of my  
22 head.

23 MR. KUCHARSKI: Three months, six months, a  
24 year, something like that. For the Masters, is there -  
25 - or senior personnel, Masters, Chief Engineers, do you

1 do any other profiling or professional tests for  
2 seafarers that they have out there?

3 Do you do any other type of profiling to see  
4 their capabilities, how they would react? I don't know  
5 if you've ever seen any of these other tests.

6 MS. CLARK: Not that I'm aware of.

7 MR. KUCHARSKI: Can you tell us  
8 approximately or to the best of your knowledge, the  
9 rotations for the six months prior to the accident, the  
10 rotations for the master six months prior to the  
11 accident and then the projected, say, for a year, the  
12 rotations on El Faro just for the Master? Who they  
13 would be, not the exact dates.

14 MS. CLARK: That was being planned by Mike  
15 Kondracki.

16 MR. KUCHARSKI: Okay. So, that was being  
17 planned by Mike Kondracki for the future. How about  
18 the past six months, the rotations?

19 MS. CLARK: He was also involved in setting  
20 the rotations for the --

21 MR. KUCHARSKI: But can you tell us --

22 MS. CLARK: -- last six months.

23 MR. KUCHARSKI: Sorry. Can you tell us who  
24 those -- the Master rotations were for the past six  
25 months, who was on, who was off?

1 MS. CLARK: I can't recall exactly. It's  
2 been -- for the last six months I would need to check  
3 my employment records.

4 MR. KUCHARSKI: Okay. So, not the  
5 rotations. Can you name the Masters for the past six  
6 months on the El Faro?

7 MS. CLARK: Michael Davidson. Eric Axelsson  
8 -- I'm sorry, Eric's first name is actually Bror. It's  
9 B-R-O-R, Axelsson.

10 MR, KUCHARSKI: A-X --

11 MS. CLARK: A-X-E-L-S-S-O-N.

12 MR. KUCHARSKI: Okay. Those are the only  
13 two Masters for the --

14 MS. CLARK: There were several other relief,  
15 I believe. I'd have to check.

16 MR. KUCHARSKI: So, over the past six months  
17 you've had a number of Masters on in just those six  
18 months besides Davidson and Axelsson?

19 MS. CLARK: Yes, there have been a few  
20 reliefs.

21 MR. KUCHARSKI: Okay. And how about the  
22 Chief Mate rotations for the past six months and the  
23 future six months?

24 MS. CLARK: The Chief Mates for the past six  
25 months were Ray Thompson (phonetic) and Jamie Torres

1 (phonetic). Perhaps a relief in there as well.

2 MR. KUCHARSKI: And Jamie Torres, he is, I  
3 believe, the Second Mate now on El Yunque?

4 MS. CLARK: Correct.

5 MR. KUCHARSKI: Any reason he went from  
6 Chief Mate on the El Faro and then stepped down to  
7 Second Mate on the El Yunque?

8 MS. CLARK: Yes. He was demoted for  
9 sleeping on watch.

10 MR. KUCHARSKI: You mentioned the name  
11 Axelsson. Was he set to relieve Captain Davidson?

12 MS. CLARK: No, he submitted his  
13 resignation.

14 MR. KUCHARSKI: Did you talk to Captain  
15 Axelsson at all when he submitted his resignation?

16 MS. CLARK: Briefly, yes.

17 MR. KUCHARSKI: What did he indicate to you?

18 MS. CLARK: He indicated that he had a  
19 personal issue at home that he needed to attend to  
20 immediately with his wife.

21 MR. KUCHARSKI: Did he actually tender a  
22 letter of resignation and send the letter in?

23 MS. CLARK: He sent an email.

24 MR. KUCHARSKI: An email. We will ask for a  
25 copy of that.

1 MS. CLARK: Absolutely.

2 MR. KUCHARSKI: Mike Kondracki, you said --  
3 is he -- he's your direct report?

4 MS. CLARK: Yes.

5 MR. KUCHARSKI: Does he also do -- is he  
6 something with a risk manager or something, some kind  
7 of risk-related position?

8 MS. CLARK: His title is Director of Labor  
9 Relations and Human Resources.

10 MS. SERRIDGE: This is Melissa Serridge.

11 MS. CLARK: Yeah.

12 MS. SERRIDGE: I just wanted to clarify his  
13 actual title is Director of Labor Relations and Risk  
14 Management.

15 MS. CLARK: And risk management.

16 MS. SERRIDGE: Yes.

17 MR. KUCHARSKI: Okay. Melissa, can you just  
18 give us a brief -- what risk management is or risk --  
19 what he does.

20 MS. SERRIDGE: A description of what is  
21 entailed under risk management?

22 MR. KUCHARSKI: Yes.

23 MS. SERRIDGE: Sure. This is Melissa  
24 Serridge, HR Manager for TOTE Services. Risk  
25 management basically involves handling crew claims,

1 kind of overseeing the process, as well as making sure  
2 that all insurance policies are in place according to  
3 whatever contracts there are, the contract  
4 requirements. That's pretty much the risk side.

5 MR. KUCHARSKI: Well, as you're know, we're  
6 going to interview Mike. We just need to get our arms  
7 around what a risk manger is.

8 MS. SERRIDGE: Sure. Yes.

9 MR. KUCHARSKI: When you say "crew claims,"  
10 can you elaborate a little on that?

11 MS. SERRIDGE: Yeah. Of course. Crew  
12 claims meaning if an individual is either ill or sick  
13 aboard any vessel, there's a certain guideline that has  
14 to be followed, certain forms that have to be  
15 completed.

16 So, the claim becomes a claim at a certain  
17 point and it has to basically -- there's follow-up with  
18 the crew. There's different dollar amounts that have  
19 to be put into place, reserves and such.

20 So, basically from the time we are notified  
21 that somebody is either sick or injured onboard a  
22 vessel, there's a full process that has to occur in  
23 order to give that person either backfit for duty or  
24 whatever follow-up care needs to be handled.

25 MR. KUCHARSKI: Thank you.

1 MR. SPEAKER: Mr. Kucharski, I'm not sure  
2 how much longer you've got with this line of  
3 questioning, but I know we're going topically. But  
4 depending on how far we've got until a natural break if  
5 it's going to be more than a few minutes, maybe we can  
6 take a break now.

7 MR. KUCHARSKI: Take a break, yeah. I'm  
8 good with that.

9 MR. SPEAKER: Thank you very much.

10 MR. SPEAKER: The time is 10:05 and I'm  
11 stopping the recorder.

12 (Whereupon, the proceedings went off the  
13 record at 10:05 a.m. and went back on the record at  
14 10:18 a.m.)

15 MS. BELL: It is 10:18 and we are going back  
16 on the record with Melissa Clark. I was speaking with  
17 the attorney and he mentioned that there was something  
18 we wanted to go back to in terms of the interview  
19 notes.

20 And we were talking about notes that yo  
21 would take when you're in the middle of an interview,  
22 you know, that you use to decide you're going to hire  
23 someone or not.

24 So, you had something to say about that?

25 MS. CLARK: Typically once the person is

1 selected, we don't keep those notes.

2 MS. BELL: Okay. So, do you dispose of  
3 them?

4 MS. CLARK: Yeah, we would dispose of them  
5 after the position has been offered to someone.

6 MS. BELL: Okay.

7 MR. SPEAKER: Thank you.

8 MS. BELL: Thank you for clarifying that.

9 I have a couple of questions about -- we  
10 haven't talked about grievances. So, that's something  
11 -- when someone or one of the crew gives a -- records a  
12 grievance of some sort if they do it through your  
13 office, what is that process like?

14 MS. CLARK: If someone wanted to file a  
15 grievance, their first avenue would be to file a  
16 grievance through their union.

17 MS. BELL: And then does that come to you?

18 MS. CLARK: At different points in time I  
19 have been -- yes, it would have come to me. Currently  
20 it goes to Mike Kondracki.

21 MS. BELL: And so, what is the process for  
22 following up on that?

23 MS. CLARK: We would supply documentation  
24 supporting our position to the union. If the union  
25 felt as though they wanted to proceed, they would

1 schedule a Port Committee.

2 MS. BELL: So, what happens at that point?

3 MS. CLARK: A Port Committee would be held  
4 with the -- a union representative, the crew member and  
5 the company.

6 MS. BELL: And at that point is the  
7 grievance discussed and how does that work? Is it a  
8 formal process?

9 MS. CLARK: It is. For unlicensed it's a  
10 little more formal than it is for the licensed  
11 officers.

12 MS. BELL: Is that just because of the union  
13 regulations or how --

14 MS. CLARK: Yes.

15 MS. BELL: And we were talking earlier about  
16 if you -- say you don't want to continue employment  
17 with an unlicensed crew member, how does that work with  
18 the union?

19 Do you go to them? Do they argue for that  
20 position, or how does that work?

21 MS. CLARK: Typically the Master terminates  
22 that employee. And then we may or may not notify the  
23 union depending on the severity of the incident.

24 MS. BELL: Okay. Does that answer your  
25 question?

1 MR. SPEAKER: Yeah. So, if you don't mind  
2 just to expand just a little bit, so with the ratings  
3 or the unlicensed persons, you have -- TOTE has the  
4 ability or the Master has the ability to say -- makes  
5 the determination of this person or say (inaudible)  
6 rating this person for this position onboard the ship?

7 MS. CLARK: Yes, he does.

8 MR. SPEAKER: And do you ever get pushback  
9 with emails?

10 MS. CLARK: Yeah -- you'd have to be more  
11 specific.

12 MR. SPEAKER: Yeah, does the union ever try  
13 to -- if you don't mind me using the word, strong-arm  
14 you and say, no, this is who we're giving you? TOTE  
15 has the ability to say, we don't want this person on  
16 our ships.

17 MS. CLARK: I think you're talking about two  
18 different questions. They have the ability to  
19 terminate them, but you mean prior to hire do we have  
20 the ability to --

21 MR. SPEAKER: No -- well, I'm saying --  
22 let's say, for example, let's say you had a boatswain  
23 on one of your ships and the Master -- he did his time,  
24 but the Master gave him a bad evaluation and said, I  
25 don't want this guy back.

1                   So, then does TOTE have based on this, based  
2 on one of your Masters -- or maybe the Chief Officer  
3 might have wrote that evaluation, but basically it's an  
4 evaluation.

5                   Does TOTE then have the luxury of saying, we  
6 don't want this guy back on any of our ships, or can  
7 the union come back and say, no, short of any of these  
8 things, these termination factors in the contract, you  
9 have to take him back.

10                  MS. CLARK: It depends on the vessel and its  
11 contract.

12                  MR. SPEAKER: Okay. Did I make the question  
13 clear?

14                  MS. CLARK: Maybe you could ask more  
15 specific.

16                  MR. SPEAKER: I'm sorry. I'm not trying to  
17 belabor this. I'm just trying to understand. Let me  
18 give you an example again. I'll try to stick to the  
19 same example.

20                  All right. So, if you have a boatswain on  
21 one of the ships and he did his time, he wasn't  
22 terminated for cause, any of those causes in the  
23 contract, but the Master gave him a bad evaluation and  
24 then it was TOTE's decision, and maybe you would be the  
25 one to make that decision, you got a bad evaluation, we

1 don't want you back on any of our ships.

2 First of all, would you even be involved in  
3 that decision process?

4 MS. CLARK: Yes, there is -- there is a way  
5 that we could reject them for employment.

6 MR. SPEAKER: Okay. Thank you. And  
7 secondly, does the union -- is the relationship such  
8 that once TOTE makes that decision that the Union is  
9 going to abide by that decision, or can they say, no,  
10 it's not one of the termination factors and you have to  
11 have this -- you have to take this person as the person  
12 we're providing?

13 Does TOTE have the ability to say, no, we  
14 don't want that person, give us another boatswain?

15 MS. CLARK: the Union can come back and say  
16 that we don't have sufficient documentation to reject  
17 an individual.

18 MR. SPEAKER: Okay. Thank you. Sorry to  
19 belabor that. It was kind of dragged out.

20 MS. CLARK: It's okay.

21 MR. SPEAKER: Thank you for your patience.

22 MS. BELL: Does your company have -- and I  
23 don't know if this would be in your department, an  
24 Employee Assistance Department or any -- where crew  
25 members could get counseling or anything like that?

1 Does it provide any kind of service like that?

2 MS. CLARK: That's not administered through  
3 my department.

4 MS. BELL: Okay, but do you know if -- are  
5 you aware of a department that covers that?

6 MS. CLARK: Operations, John Lawrence would  
7 be the person to ask.

8 MS. BELL: Okay.

9 MR. [REDACTED] Coast Guard  
10 again. Melissa, do you review or do the -- do you  
11 review the evaluations for all shipboard personnel? Do  
12 you maybe stamp them that you got them?

13 MS. CLARK: Someone in the department does.

14 MR. [REDACTED] Okay. So, if the contents of  
15 the evaluation related to safety, how does the Safety  
16 Department know there is a safety issue with an  
17 individual personnel?

18 If the rating of the personnel is less than  
19 Good, how do they know that in the Safety Department as  
20 it relates to safety?

21 I'm not talking about other things. I'm  
22 talking about purely safety.

23 MS. CLARK: I can't recall an evaluation  
24 calling out safety concerns that the Operations  
25 Department was not already aware of.

1 MR. [REDACTED] Okay. So, Operations has some  
2 review of the evaluations?

3 MS. CLARK: They do not.

4 MR. [REDACTED] So, you know, we've read  
5 through the ones that we've had for the El Faro crew.  
6 And down at the bottom there is sort of free-flow  
7 comments in -- for -- competitively Captain Davidson  
8 said, for example, I'm always available to talk about  
9 issues.

10 So, down below a Master could put comments  
11 related to safety. And what I'm getting to is, how  
12 does the Safety Department know that?

13 MS. CLARK: If there was something that came  
14 up on the evaluation that they needed to be aware of, I  
15 would bring it to Mike Kondracki.

16 MR. [REDACTED] Okay. So, is your view that  
17 there is a different level of responsibility between  
18 the Master and the Chief Mate?

19 MS. CLARK: Yes.

20 MR. [REDACTED] Okay. So, what would be your  
21 view of the level of responsibility of the Master?

22 MS. CLARK: The Master is responsible for  
23 the entire vessel. The Chief Mate is responsible for  
24 the Deck Department.

25 MR. [REDACTED] Okay. Captain Stith, this

1 isn't directed at you personally. I'm not interested  
2 in (inaudible) the content of any of that stuff. I'm  
3 interested in the hiring process.

4 So, do you know if Captain Stith was  
5 interviewed for the Chief Mate position?

6 MS. CLARK: He was.

7 MR. [REDACTED] Okay. And do you know who  
8 participated in that interview?

9 MS. CLARK: I don't recall all the  
10 participants that was in his particular interview.

11 MR. [REDACTED] Do you recall just offhand  
12 whether it was an in-person interview or --

13 MS. CLARK: It was an in-person interview.

14 MR. [REDACTED] Okay. And then eventually at  
15 some point he's going to step up to command the vessel.

16 MS. CLARK: Yes.

17 MR. [REDACTED] Was there another interview  
18 conducted or -- by phone or in person for that step up  
19 in responsibility?

20 MS. CLARK: That was handled by Mike  
21 Kondracki.

22 MR. [REDACTED] So, you're not aware of a  
23 subsequent interview.

24 MS. CLARK: No.

25 MR. [REDACTED] And then who would make the

1 decision that he was acceptable as -- to command the  
2 vessel, within your organization?

3 MS. CLARK: I think again it was as group  
4 decision by the Selection Committee, but I was not  
5 involved in his -- other than logistically, I was not  
6 involved in that discussion with Captain Stith.

7 MR. [REDACTED] Okay. And then my final  
8 question. Do you know if there is any kind of --  
9 within TOTE, is there any kind of bonus program of any  
10 kind for shipboard personnel?

11 MS. CLARK: There is a retention bonus, I  
12 believe, on the SBX 1.

13 MR. [REDACTED] For me, what's that?

14 MS. CLARK: Basically, it would encourage  
15 the crew members to return to the vessel.

16 MR. [REDACTED] And how did that work?

17 MS. CLARK: I don't know the specifics, but  
18 it would be more of a -- it's administered by the  
19 Payroll Department. It would be more of a question for  
20 Melissa Serridge.

21 MR. [REDACTED] And what's that program  
22 called?

23 MS. CLARK: Again, the exact name --

24 MR. [REDACTED] I mean the acronym or -- SBX  
25 1?

1 MS. CLARK: The SBX 1 is the name of the  
2 vessel.

3 MR. PETERSON: This is Lee Peterson. That  
4 is a missile tracking vessel.

5 MR. [REDACTED] That is the only vessel.

6 MR. PETERSON: That's the one-off.

7 MR. [REDACTED] It's not --

8 MR. PETERSON: It's a one-off vessel, right.

9 MR. [REDACTED] All right. Thank you very  
10 much.

11 MS. BELL: I have a follow-on. This is  
12 Carrie Bell, NTSB. A follow-on about the performance  
13 evaluation.

14 If there are performance decrements, is  
15 there something in their performance evaluation that  
16 shows that they need some additional training or need  
17 to work on certain skills?

18 How does that -- does that go up to Mike  
19 Kondracki and what is the process in regards to  
20 additional training or any other kind of -- do they  
21 have to do additional performance evaluations in a  
22 shorter period of time?

23 So, say if they usually have to do it just  
24 at the end of their tour, if they are coming back on,  
25 would you require them to do another one in a shorter

1 length of time?

2 MS. CLARK: We would encourage the vessel to  
3 do a mid-tour evaluation once the person returned.

4 MS. BELL: So, you say "encourage." You  
5 don't have -- you can't require them to do that?

6 MS. CLARK: I don't believe there's  
7 currently a written policy for that.

8 MS. BELL: Is that something that happens  
9 regularly that you get an evaluation that you're not  
10 happy with that you want them to do additional  
11 evaluations or training?

12 MS. CLARK: Yes. Each one is case by case  
13 depending on what -- how -- depending on what they  
14 need. Sometimes it's just counseling prior to them  
15 returning to the vessel about what's expected of them.

16 MS. BELL: And who would do that counseling?

17 MS. CLARK: Either myself or one of the port  
18 engineers that would be local to the vessel when the  
19 person returned.

20 MS. BELL: Okay. Sorry, I jumped in. So,  
21 I'm sending it on down the table.

22 MR. STITH: All right. Kevin Stith with  
23 TOTE Services. Melissa, as far as the evaluation  
24 process, do you -- do you think that evaluations are --  
25 enough evaluations are done of crew members whether it

1 be officers or unlicensed crew members?

2 MS. CLARK: I think that they are being done  
3 more consistently on some vessels than others. Those  
4 who are not completing their evaluations are reminded  
5 that they are required.

6 MR. STITH: Okay. So, do you think that  
7 even though there is a requirement, that they're being  
8 done and sent in, in a timely manner?

9 Is it possible that maybe enough evaluations  
10 are done, but maybe just not submitted or, you know, on  
11 returning crew members, you know, they've gotten so  
12 many that --

13 MS. CLARK: Yes.

14 MR. STITH: So, there's a lot of those  
15 situations where especially with people that could have  
16 been with the company for a long time that maybe  
17 they've already got -- you've already got a sufficient  
18 base.

19 MS. CLARK: They're still required to do  
20 them. Do they do it every time? No.

21 MR. STITH: Okay. Those are my only  
22 questions.

23 MS. BELL: This is Carrie Bell, NTSB. So,  
24 if they don't do that, then do you send emails and --

25 MS. CLARK: Absolutely, yes.

1 MS. BELL: -- encourage that to happen?

2 MS. CLARK: Yes.

3 MS. BELL: And does that usually happen  
4 after an email is sent or --

5 MS. CLARK: Yes.

6 MS. BELL: -- you let them know that --

7 MS. CLARK: Yes.

8 MS. BELL: -- you're waiting for it?

9 MS. CLARK: Yes. Sometimes we just don't  
10 receive copies. There are times it comes in with  
11 payroll and it gets lost, it doesn't make it into the  
12 file. So, I'll follow up and get a copy from the  
13 vessel.

14 MS. BELL: Are they typically emailed, or  
15 mailed to you?

16 MS. CLARK: It depends. Some ships mail  
17 them. Some ships scan them and email them in. I just  
18 actually sent out a reminder to a couple of ships very  
19 recently.

20 MS. BELL: So, do you have it on a schedule  
21 that you send reminders or --

22 MS. CLARK: Actually --

23 MS. BELL: -- you're checking them a certain  
24 time of month?

25 MS. CLARK: I actually do have something

1 that is on my Outlook calendar to remind -- I think  
2 it's -- I'd have to double check, but I think it's  
3 yearly just reminding them how important the  
4 evaluations are.

5 MS. BELL: Okay.

6 MS. CLARK: And then as needed in between.

7 MS. BELL: Thank you.

8 MR. PETERSON: So, this is Lee Peterson.

9 Just to follow on that, Melissa, so you do -- you have  
10 like a standard text that you send out to the ships  
11 every year just to --

12 MS. CLARK: More or less. I may tweak it  
13 every year. I'll go back and grab the prior years and  
14 --

15 MR. PETERSON: And what's in that text?  
16 What are you saying?

17 MS. CLARK: I don't recall. I could get a  
18 copy of it.

19 MR. [REDACTED] Just following up on the  
20 evaluation, are senior officers evaluated on how  
21 effectively they put up their evaluations?

22 MS. CLARK: They could be. But, again,  
23 that's handled by the Engineering and Operations Group.

24 MR. [REDACTED] When you say -- [REDACTED] [REDACTED]  
25 again, Coast Guard. When you says "operations," just

1 to be clear, are you talking about shipboard  
2 operations, or are you talking about safety and  
3 operations?

4 MS. CLARK: It would be a combination of  
5 John Lawrence for the safety side, Mike Kondracki. If  
6 the vessel has a port captain, they may have been put  
7 on the evaluation as well.

8 MR. [REDACTED] Thank you.

9 MS. BELL: Around the table.

10 MR. KUCHARSKI: Thank you. Mike Kucharski.  
11 I'd like to briefly talk about the chief engineer and  
12 first assistant engineer.

13 Could you identify the chief that was on El  
14 Faro, please?

15 MS. CLARK: Richard Puciterri (phonetic).

16 MR. KUCHARSKI: And the first assistant?

17 MS. CLARK: Keith Griffin (phonetic).

18 MR. KUCHARSKI: Keith?

19 MS. CLARK: Griffin.

20 MR. KUCHARSKI: Griffin. Were there any  
21 changes to the rotation made in the past six months to  
22 their rotations?

23 MS. CLARK: I believe that Keith Griffin was  
24 promoted from second engineer to first engineer within  
25 the last six months, but again I'd have to check my

1 employment records.

2 MR. KUCHARSKI: And no change to the chief  
3 engineer rotations?

4 MS. CLARK: When you say no change --

5 MR. KUCHARSKI: Let me backup. Do you  
6 normally have two permanent chiefs, one's on vacation,  
7 one's --

8 MS. CLARK: Yes.

9 MR. KUCHARSKI: Did you bring in any reliefs  
10 during that time in addition to --

11 MS. CLARK: I don't believe so.

12 MR. KUCHARSKI: Okay. And just one last  
13 question on the compensation. Is -- besides you  
14 mentioned this -- the missile tracker ship or whatever  
15 it is, is there any form of -- any other form of  
16 compensation that's given to the key personnel besides  
17 their regular salary?

18 MS. CLARK: Not that I'm aware of. I don't  
19 have any involvement with payroll whatsoever.

20 MR. KUCHARSKI: Is there -- are you -- there  
21 were two companies, I understand. TOTE Services and  
22 TOTE Maritime.

23 Does TOTE Maritime have any involvement in  
24 any of the pay of the vessel's personnel, or is it all  
25 -- does it all reside at TOTE Services?

1 MS. CLARK: They are TOTE Services employees  
2 and they're paid by TOTE Services.

3 MR. KUCHARSKI: Including if there would be  
4 any possible other compensation?

5 MS. CLARK: Yes.

6 MR. KUCHARSKI: So, you would -- TOTE  
7 Services would know of any compensation.

8 MS. CLARK: Yes.

9 MR. KUCHARSKI: Thank you.

10 MS. SPEAKER: I don't have any more  
11 questions.

12 MR. SPEAKER: I don't have anything.

13 MS. BELL: Okay. Well, that concludes the  
14 interview. It is 10:41 on 10/12. Thank you.

15 (Whereupon at 10:41 o'clock a.m. the  
16 interview of MELISSA CLARK was concluded.)  
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C E R T I F I C A T E

MATTER: El Faro Incident  
Accident No. DCA16MM001  
Interview of Melissa Clark  
Jacksonville, FL

DATE: 10-12-15

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